

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

LIZA YVONNE ROSALES #75501
Full Name/Prisoner Number

PO. DRAWER 250
GRANTS NM 87020
Complete Mailing Address

2021 AUG 26 PM 2:54

CLERK ALBUQUERQUE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

21cv842 MV-JHR

Civil Action No.

(To be supplied by the Court)

LIZA YVONNE ROSALES #75501

AMBER GAIL CONVIAES # 56783, Plaintiff(s),
Full name(s) and prisoner number(s)
(Do not use *et al.*)

Y.

WNMCF LT: 61FF02P

J. RICHARDS WARDEN, UNIT MANAGER C. WHITE, Defendant(s).
(Do not use *et al.*)

PRISONER'S CIVIL RIGHTS COMPLAINT

A. PARTIES AND JURISDICTION

1. LIZA Y ROSALES (Plaintiff) is a citizen of NEW MEXICO (State) who presently resides at P.O. DRAWER 250 GRANTS NM. 87020. (mailing address or place of confinement)

2. Defendant JESSICA V. RICHARDS (name of first defendant) is a citizen of NEW MEXICO (State) whose address is P.O. DRAWER 250 GRANTS, NM 87020, and who is employed as W.N.M.C.F. (WARDEN). (title and place of employment) At the time the claim(s)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes No. If your answer is "Yes," briefly explain:

— T —

3. Defendant CHERIE WHITE is a citizen of NM
(name of second defendant) (State)

whose address is P O DRAWER 250

and who is employed as UNIT MANAGER. At the time the claim(s)
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?
Yes No. If your answer is "Yes," briefly explain:

LT. GIFFORD P O DRAWER 250 GRANTS NM 87020

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

(CHECK ONE OR BOTH:)

Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

BRIEFLY state the background of your case.

I'VE BEEN DISCRIMINATED,
THREATENED AND RETALIATED UPON. I'M CURRENTLY THE ONLY
MARRIED COUPLE INCARCERATED HERE FOR INMATES.

C. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I: DISCRIMINATION, RETALIATION

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Claim II: _____

Supporting Facts: THERE IS SEVERAL CORRECTIONAL OFFICERS THAT
will VOUCH ON OUR BEHALF, C/O MORRIS, C/O MENDOZA, C/O WYNA,
C/O ETHERIDGE C/O FRANCIS AND SEVERAL MORE CAN SPEAK ON
THE FACT WE'VE NEVER BEEN DISRESPECTFUL NEVER GOT
A PREA NEVER BEEN IN EACH OTHERS ROOM. ALL CAN
ONLY MAKE POSITIVE STATEMENTS ON OUR BEHALF.
THERE IS A PREA CPT. I'VE NEVER HAD AN ISSUE
THAT I'VE BEEN CALLED TO HIS OFFICE FOR ANY
ISSUE WHILE HOUSED HERE IN WNMCF.

Claim III: _____

Supporting Facts:

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

b. Name and location of court and docket number N/A

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?)
N/A

d. Issues raised: N/A

e. Approximate date of filing lawsuit: N/A

f. Approximate date of disposition: N/A

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. Yes No.

If your answer is "Yes," briefly describe how relief was sought and the results.

3. I have exhausted available administrative remedies. Yes No. If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

STEP TAKEN ALREADY SPOKE WITH V/M WHITE = NO RESOLUTION

SPOKE WITH LT. GIFFORD = NO RESOLUTION

CURRENTLY GOING TO SPEAK WITH CPT ALDAAZ FOR POLICY & PROCEDURES. HE IS PREA INVESTIGATOR. HE IS CURRENTLY LOOKIN INTO THE SITUATION. HE TOLD ME NO PREA VIOLATION HAS BEEN COMMITTED.

E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

b. Name and location of court and docket number _____

c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit: N/A

e. Approximate date of disposition: N/A

2. Are you in imminent danger of serious physical injury? Yes No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

G. REQUEST FOR RELIEF

I request the following relief:

I WOULD LIKE A THOROUGH INVESTIGATION TO LOOK INTO THIS MATTER ON WHY I WAS RELOCATED WITH NO PROOF OF DISCIPLINARY OR WORK DOING WITH MY WIFE. WHY I WAS DISCRIMINATED AND RETALIATED UPON.

Prisoner's Original Signature

Original signature of attorney (if any)

Attorney's full address and telephone

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at WN MCF P.O. DRAWER 250 GRANTS, NM on AUGUST 17, 2021.
(location) 8/20/20 (date)

Rosales Lns
Prisoner's Original Signature

"D CAUSE OF ACTION"

Liza Rosales #7880
AUGUST 18, 2021
WNMCF

I'M CURRENTLY INCARCERATED AT
WESTERN NEW MEXICO CORRECTIONAL FACILITY.
I WAS BEING HOUSED IN HOUSING UNIT 2
I SPOKE WITH THE UNIT MANAGER C. WHITE
I ASKED HER TO RELOCATE TO HOUSING UNIT
1 WHICH AFTER ABOUT 2-3 WEEKS SHE THEN
MOVED ME. I INFORMED HER I WAS LEGALLY
MARRIED AND MY SIGNIFICANT OTHER IS ALSO
BEING HOUSED HERE AT WNMCF. SHE WAS THEN
TOLD THIS SAME INFORMATION BY OTHER INMATES
SO SHE CALLED BOTH US TO HER OFFICE WHERE THERE
AGAIN WE BOTH SPOKE TO HER SHE CLEARLY
ASKED US AGAIN ARE YOU TWO MARRIED LEGALLY?
WE BOTH STATED "YES". SHE THEN WENT ON TO
ASK ARE YOU BOTH STILL TOGETHER? WE BOTH
AGAIN STATED "YES" AND PLAN ON CONTINUING
TO BE IN PRISON AND ALSO OUTSIDE OF THE PRISON.
WE ALSO STATED TO HER WE HAVE OUR MARRIAGE
CERTIFICATE ON FILE HERE IN THE FACILITY.
SHE THEN SAID "OK I'M GONNA TELL YOU BOTH
RIGHT NOW BE HONEST AND UP FRONT WITH ME
OR I'LL FLICK YOU OFF DON'T TRY TO RING AROUND
THE ROSEY ME MEANING NOT TO GIVE HER THE RUN AROUND
TO JUST BE HONEST." SO AFTER THAT WAS SAID SHE
THEN STATED DON'T BE IN EACH OTHER'S ROOM
AND THAT WAS THE END OF THAT CONVERSATION.
SO AFTER THAT MONTHS WENT BY 4 MONTHS
WITH NO BAD REPORT FROM OFFICERS BOTH
A.M. AND P.M. SHIFT, NO REPORTS FOR MISCONDUCT
EITHER. WHEN THEN A SITUATION AROSE IN

H.V. 1 Several of the female inmates went to speak with Lt. GIFFORD about a bullying situation with 3 other inmates in my unit. (BACA), (CHARLIE), (SMITH). I over heard Lt. GIFFORD respond back to one of the girls "OH YEAH THAT'S A HARD ONE ON THE COUNT THAT WHAT WAS BEING SAID TO HIM WAS THAT INMATE T. BACA WAS BULLYING A. SMITH AND INMATE N. CHARLIE IN THEIR POD WHILE THEY ALL THREE LIVE. SO LATER THAT EVENING ABOUT 5:15PM I WAS CALLED TO CONTROL IN H.V. 1 AND WAS TOLD BY SGT. NASA I WAS BEING MOVED, I THEN ASKED FOR HIM TO CALL THE LT. WHICH WAS LT. GIFFORD AND WENT IN TO B DINING (Chow Hall) TO SPEAK WITH HIM TO ASK HIM WHY I WAS BEING MOVED I DIDN'T HAVE ANY ISSUES. HE THEN SAID C. WHITE SIGNED AND MADE THE MOVE LIST DUE TO THE FACT "I WAS MARRIED AND LIVING IN THE H.V. AS MY WIFE." I THEN LET HIM KNOW THAT SHE WAS WELL AWARE OF OUR LIVING CONDITIONS AND OUR MARITAL STATUS. SO I WAS THEN RELOCATED TO H.V. 3 FOR TWO NIGHTS. SO AUG 11th, I MOVED TO H.V. 3 ON THE 12th OF AUG I WENT TO SPEAK WITH C. WHITE WHICH SHE THEN DID NOT WANT TO HEAR ANYTHING AT ALL THAT I HAD TO SAY. SHE THEN MADE IT CLEAR TO ME THAT THE MORE I TALKED THE FURTHER SHE WAS GOING MOVE ME AND I THEN ASKED HER "WHAT AM I DO?" THEN I STATED WHITE YOU WERE AWARE OF THE SITUATION WE WERE HONEST WITH YOU WITH EVERYTHING.

SHE THEN AGAIN STATED "YOUR LUCKY YOU'RE NOT ON THE NEXT BUS TO SPRINGER THE OTHER WOMEN'S FACILITY OR DOWN IN H.U. 7-8 ON THE OTHER DIVISION OF THE WNMIF. SO TWO DAYS AFTER BEING IN H.U. 3 I WAS MOVED AGAIN THAT AFTERNOON TO H.U. 7-7 ALL THE WAY ACROSS THE FACILITY. I AGAIN WAITED AND ON AUG. 15th WHITE WAS ON THE GROUNDS IN THE EVENING DOING ROUNDS SO I ASKED TO SPEAK WITH HER ON WHY AGAIN I WAS MOVED AND SHE CLEARLY STATED "THIS IS PRISON AND THIS IS THE WAY IT'S GONNA BE. SO I LATER WENT TO THE LAW LIBRARY TO SEE WHERE IN POLICY IT STATES MARRIED INMATES CAN NOT LIVE TOGETHER OR ANY OTHER ISSUE STATING FAMILY RELATIVES CANNOT BE HOUSED TOGETHER? I WAS UNABLE TO FIND ANYTHING STATING THESE FACTS. I DOUBLE CHECKED AGAIN ON AUG 17th AND STILL COULD NOT FIND ANYTHING. SO ON AUG 18th THEY ALSO MOVED A. GONZALES WHICH IS MY SIGNIFICANT OTHER AND PUT HER IN H.U. 3 AGAIN THERE IS NO EXPLANATION AND STILL NO MISCONDUCT REPORT OF ANY TO SAY WE DID SOMETHING WRONG. I FEEL WE ARE BEING DISCRIMINATED AND ALSO RETALIATED UPON BY MOVING ME ALL THE WAY ACROSS THE FACILITY FOR NO REASON. ALSO THE WHOLE ISSUE ON THE BULLYING THAT EVOLVED THE WHOLE SITUATION HASN'T EVEN BEEN DEALT WITH THOSE THREE INMATES STILL CONTINUE TO BE HOUSED IN H.U. 1 TOGETHER AND THE TWO INMATES ARE TO SCARED TO SPEAK ON

ON THE MATTER SO AGAIN NOTIN HAS BEEN
DONE TO RESOLVE THAT SITUATION THAT
POSES A SECURITY RISK TO THESE TWO
INMATES AND YET NOTIN IS OR HAS BEEN
DONE I WAS TOLD MY MARRIAGE WAS A
SECURITY THREAT WHEN WE WERE HOUSED
TOGETHER ALMOST four months with no issues.
So I've tried speaking with ADMINISTRATIVE
STAFF TO TRY TO FIND A RESOLUTION AND HAVE
NOT BEEN SUCCESSFUL IN ANY WAY. ON WED.
AUG 18 2021 I SPOKE WITH V. ALONZ A CAPTAIN
WHO IS ASSIGNED TO PREA FOR ANY ISSUES,
LAWSONS, DISCIPLINARY, OR PREA INVESTIGATIONS
THAT ARRISE. I TOLD HIM THE WHOLE SITUATION
HE SAID HE WOULD LOOK INTO THE MATTER SO IF
NOTHING RESOLVED ON THUR AUG 26TH I WAS
TOLD I COULD NO LONGER WORK EDUCATION
MY WIFE AMBER GONZALES IS A TUTOR /TEACHERS AIDE
AND CAN ONLY GO TO CLASS MON-WED-FRI. I TRIED
CONTACTING S.T.E.U. BY MY ROVER HERE IN
THE UNIT WHICH SHE THEN ADVISED ME
STW OFFICER LUBBIN SAID I CAN NOT WORK
EDUCATION 1) DUE TO BE MARRIED 2) A WRITE-UP
IS REVIEWED FOR MY MATTRESS BEING OLD AND CRACKED
& WAS WRITTEN UP AND HAD TO PAY \$68.90
THE PRICE OF MATTRESS WHICH AGAIN I'VE BEEN
WORKING IN EDUCATION STRIPPING/WASHING THE
TOOL AND LIBRARY AND THERE WAS NEVER AN
ISSUE. SO I NO LONGER HAVE A JOB TO PROGRAM TO.
I FEEL THIS IS HARASSMENT, RETALIATION AND
DISCRIMINATION. TOTALLY DISREGARDING A RULY
SITUATION STILL NOT ADDRESS AS OF AUG 26 2021.

STIV CALLED THE BOVER FOR H.V.7 TO LET ME
KNOW I COULDNT WORK NO MORE. I HAVE DONE
EVERYTHING POSSIBLE IN MY MEANS TO GET AN
ANSWER WHY I WAS MOVED, TERMINATED FROM WORK
AND NO ONE GIVES A PERSON.

INFORMATION AND INSTRUCTIONS

FILING COMPLAINT UNDER 42 U.S.C. §1983

1) The attached form is to assist you in the preparation of a complaint seeking relief under the Civil Rights Act. In order for your complaint to be considered by the District Court, it must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. If necessary, you may use up to two additional pages (8 1/2" x 11") to complete part "C" of the complaint, making clear to which count the continued information applies. If there is more than one defendant, you should clearly indicate which of the acts alleged is attributable to each defendant.

A. The Complaint

- 2) An original and one copy of the complaint must be provided for the court and one copy for each of the persons (defendants) you wish to sue. For example, if you name two defendants, you must file an original and three copies of the complaint. You should keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.
- 3) Your complaint must be signed and include a declaration under penalty of perjury. You are cautioned that any deliberate false statement of a material fact may serve as a basis for prosecution and conviction for perjury. You should therefore exercise care to assure that all answers are true, correct, and complete.
- 4) Under the Civil Rights Act, 42 U.S.C. §1983, the court can grant relief only for wrongs which amount to the denial of federal constitutional rights by a person acting under color of state law. Your complaint can be brought in this court only if one or more of the named defendants is located within this judicial district.
- 5) You must furnish an original and one copy of all papers, correspondence or other documents (except the original complaint which requires an original and two copies) submitted to the court for filing and consideration. In addition, you must furnish the opposing party or his attorney with a copy of all such documents submitted to the court. Each original document (except the original complaint) must include a certificate stating the date a copy of the document was mailed to the opposing party or his attorney and the address to which it was mailed.

A certificate of service may be in the following form:

"I hereby certify that a copy of the foregoing pleading/document was mailed to

WESTERN NM CORRECTIONAL FACILITY at 2111 LOBO CANYON RD
(Opposing party or counsel) GRANTS NM 87020
(Address)

on AUGUST 17, 2021, 19.
(Date)

Rosales LWT #75501
(Signature)

B. The Filing Fee and 28 U.S.C. § 1915

- 6) On and after May 1, 2013, filing a civil complaint in the federal district courts will require a \$350 filing fee, plus a \$50 general administrative fee, for a total of \$400. If you want to commence an action without prepayment of fees or security therefor, you must file a motion for leave to proceed pursuant to 28 U.S.C. § 1915. Under § 1915, you also must submit an affidavit and a certified copy of your trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. The certified copy of the trust fund account statement (or institutional equivalent) must be obtained from the appropriate official of each penal institution at which you are or were confined during the six-month period. The court will not consider the merits of the claims asserted in any complaint filed without either the \$400.00 filing fees or a properly completed motion, affidavit and certified copy of your trust fund account statement (or institutional equivalent) as required by § 1915.
- 7) The motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. You must sign the motion and affidavit. You should exercise care to assure that all answers are true, correct and complete.
- 8) If you are proceeding pursuant to 28 U.S.C. § 1915 and the motion, affidavit and certified copy of your trust fund account statement (or institutional equivalent) are in proper form, you will be ordered to pay within thirty days an initial partial filing fee in an amount to be determined by the court pursuant to § 1915(b)(1). The court will not review the merits of your complaint until the initial partial filing fee is paid. If you fail to pay the initial partial filing fee within thirty days or fail to show that you have no assets and no means by which to pay the initial partial filing fee, the complaint will be dismissed without prejudice. If the initial partial filing fee is paid within thirty days, the court will review the complaint pursuant to § 1915(e)(2)(B) to determine if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.
- 9) You are reminded that, even if you are allowed to proceed pursuant to 28 U.S.C. § 1915, you must pay the full filing fees as required by law, i.e., \$400.00. It is your responsibility to ensure that monthly payments are sent to the court as required by § 1915(b)(2) until the filing fee is paid in full. It is your responsibility to have the institution where you are confined forward the payments from your trust fund account to the clerk of the court each time the amount in your

account exceeds \$10.00. The complaint may be dismissed at any point if you fail to make the required monthly payments.

10) When your complaint is completed, it should be mailed with the necessary copies and filing fees, or motion to proceed pursuant to 28 U.S.C. § 1915 and financial certificate, to the Clerk of the United States District Court whose address is:

**U.S. District Court
333 Lomas Blvd. NW, Ste. 270
Albuquerque, NM 87102**

11) United States District Judges, United States Magistrate Judges, law clerks, the Clerk of Court, and deputy clerks are officers of the court **and are prohibited from giving legal advice**. Questions of this nature should be directed to an attorney.

RECEIVED
U.S. DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
P.O. BOX 250
GLENWOOD, NM 87020
08/25/2021
10530634

RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
AUG 26 2021

MITCHELL R. ELFERS
CLERK

U.S. DISTRICT
CLERK
333 LMS BLU